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SERVICE DATE - JUNE 20, 2003

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-156 (Sub-No. 23X)

**Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway Company -
Abandonment Exemption - in Albany County, NY**

BACKGROUND

In this proceeding, the Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway Company (D&H) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of the line extending between Milepost 1.8 in Albany and Milepost 10.94 in Voorheesville, a distance of approximately 9.14 miles in Albany County, New York. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to D&H, the line, which has been known as the Albany Main and the Voorheesville Running Track, was originally constructed by the Albany and Susquehanna Railroad Company. Construction on this segment of line was completed in 1863. In 1870, all the lines of the Albany and Susquehanna were leased in perpetuity to D&H. The Albany and Susquehanna was merged into D&H in 1945. Canadian Pacific purchased the assets of D&H following the bankruptcy of the former D&H in 1991.

D&H states that no local traffic has moved over the line for at least 2 years and all overhead traffic has been routed over other lines. No rail traffic will be diverted to highway mode as a result of the abandonment. Following abandonment, ties and rails will be removed and recycled or disposed of in an appropriate manner.

According to D&H, the right-of-way varies in width between 66 and 100 feet. The line crosses Normanskill Creek and Vly Creek. There are eight bridge structures on the line proposed for abandonment, all of which were built between 1884 and 1942.

ENVIRONMENTAL REVIEW

D&H submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. D&H served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

There are eight D&H-owned bridge structures that are 50 years old or older which are part of the proposed abandonment. The New York State Office of Parks, Recreation and Historic Preservation - Historic Preservation Field Services Bureau (NY SHPO) has not yet completed their assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

The New York Department of State, Division of Coastal Resources has indicated that, because a segment of the proposed abandonment falls within the boundary of a Coastal Zone Management Area, review pursuant to Coastal Zone Management Act (CZMA) consistency provisions is required. A Coastal Zone Consistency Determination will be sought by D&H to ensure that the project is consistent with the Coastal Zone Policies of the State of New York. A Federal Consistency Assessment Form, which constitutes a consistency certification when completed, will be submitted by D&H to the Division of Coastal Resources. The Division of Coastal Resources will review the proposed activity and the consistency certification.

The New York State Department of Environmental Conservation, Division of Environmental Permits, Region 4 (NY DEC) has indicated that there are three stream crossings along the proposed abandonment. Vly Creek, at Milepost 10.55, is a protected stream. A permit will be required if there will be any disturbance of the bed or banks of this stream. Water quality standards in all waters of the State of New York must be maintained at all times during salvage activities. Prior to commencement of any salvage activities on this project, D&H will be required to contact NY DEC concerning possible impacts on water quality and any water quality permitting requirements.

CONDITIONS

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. Applicants shall retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

2. To address the concerns raised by the New York Department of State, Division of Coastal Resources, the Coastal Zone Management Act process must be completed and a Coastal Zone Consistency Determination must be made by the New York Department of State, Division of Coastal Resources, prior to any salvage by D&H.
3. To address the concerns raised by the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 4, D&H shall, prior to commencement of any salvage activities on this project, contact the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 4, concerning possible impacts on water quality and any water quality permitting requirements.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-156 (Sub No. 23X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

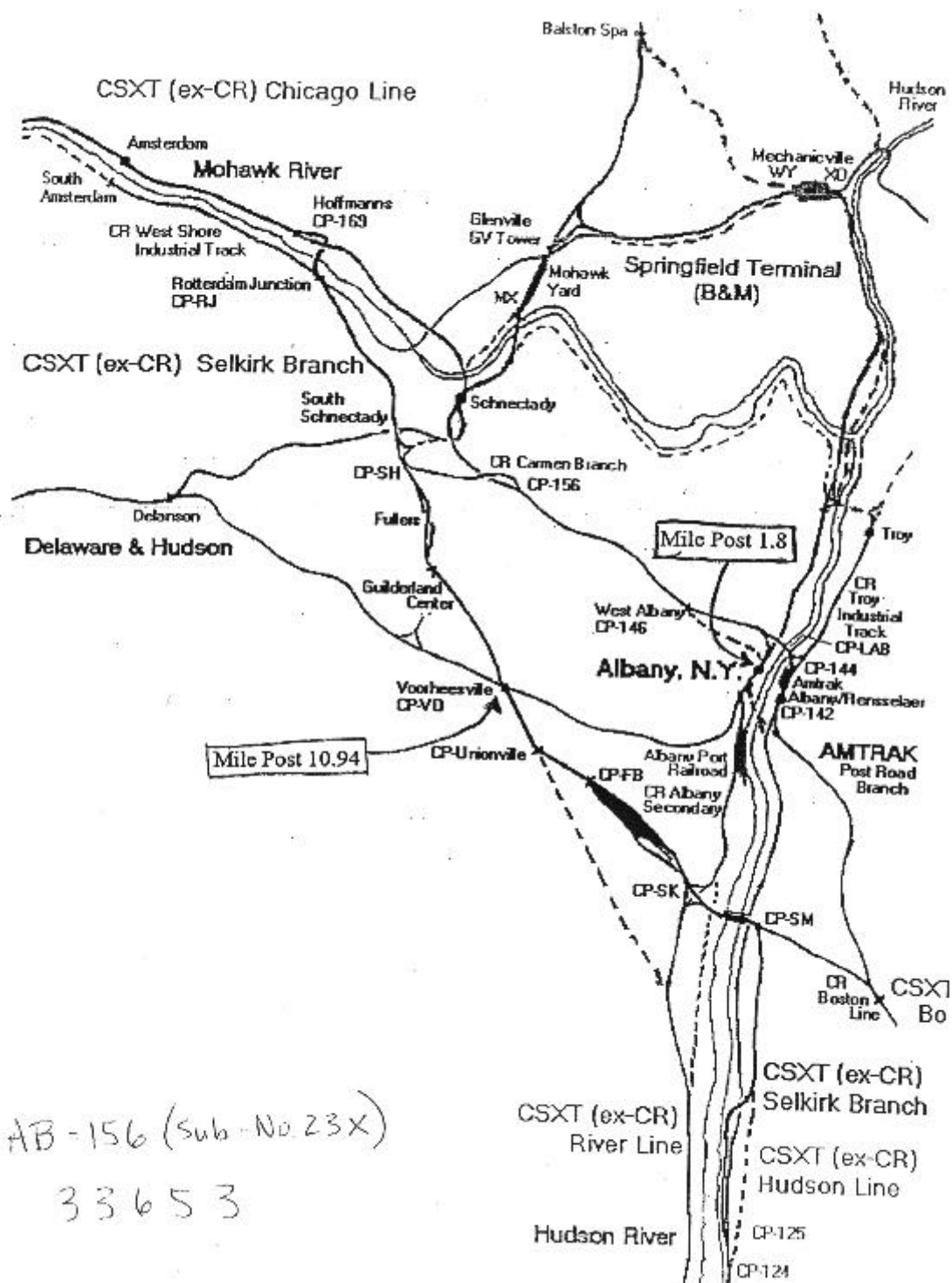
Date made available to the public: June 20, 2003.

Comment due date: **July 7, 2003 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment



4/9/2003